

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 28-32, 34-53, and 55 are pending. By this amendment, Claims 28, 32, 43, 47, 50, and 53 are amended, and no claims are added or canceled. Support for the amendments to Claims 28, 43, and 47 may be found in the specification at paragraphs [0082] to [0086], for example. Support for the amendments to Claims 32, 50, and 53 is self-evident. It is respectfully submitted that no new matter is added by the above amendments.

In the outstanding Office Action, Claims 32, 43, 47, 50, and 53 are objected to because of informalities; Claims 32 and 53 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite; Claims 28-32, 36, 38-41, 43-51, 53, and 55 are rejected under 35 U.S.C. § 103(a) as unpatentable by a public use or sale of Andersen Windows (*see* Andersen Windows indorsed catalog), hereinafter “Andersen,” and an archive page of Andersen International’s website (hereinafter “andersenwindows.com”) in view of Ackley et al. (U.S. Pat. No. 5,557,092, hereinafter “Ackley”); Claim 34 is rejected under 35 U.S.C. § 103(a) as unpatentable over Andersen and andersenwindows.com in view of Ackley and IGCC Certification (hereinafter “IGCC”); Claim 35 is rejected under 35 U.S.C. § 103(a) as unpatentable over Andersen and andersenwindows.com, in view of Ackley and 16 C.F.R. § 1201; Claims 37 and 52 are rejected under 35 U.S.C. § 103(a) as unpatentable over Andersen and andersenwindows.com in view of Ackley and Peck (U.S. Pat. No. 4,048,918); and Claim 42 is rejected under 35 U.S.C. § 103(a) as unpatentable over Andersen in view of Demars et al. (WO 03/040507, hereinafter “Demars”).

At the outset, Applicants note with appreciation the courtesy of a personal interview granted by Examiner Christopher Stanford to Applicants’ representatives. In accordance with M.P.E.P. § 713.04, the above amendments and following remarks, in combination with the

Interview Summary provided by Examiner Stanford, constitute a statement of the substance of the personal interview.

During the interview, proposed amendments to Claims 23, 43, and 47 were indicated as overcoming the cited art, as noted in the Interview Summary, pending a further search. Claims 28, 43, and 47 are hereby amended substantially in accordance with the proposed amendments discussed during the interview. Accordingly, it is respectfully requested that the rejection of all claims under 35 U.S.C. § 103(a) be withdrawn. Applicants provide the following arguments in support of this request.

As discussed during the interview regarding the objections to Claims 32, 43, 47, 50, and 53, these claims are hereby amended to address all of the informalities cited in the outstanding Office Action. Thus, it is respectfully requested that the objections to Claims 32, 43, 47, 50, and 53 be withdrawn.

Regarding the rejection of Claims 32 and 53 as indefinite, as discussed during the personal interview, the term “all” is hereby removed from Claims 32 and 53. Accordingly, Applicants respectfully submit that the rejection of Claims 32 and 53 as indefinite is negated and request that the rejection be withdrawn.

Regarding the rejection of Claims 28-32, 36, 38-41, 43-51, 53, and 55 as unpatentable over Andersen and andersenwindows.com, in view of Ackley, that rejection is respectfully traversed by the present response.

Amended Claim 28 recites:

A glazing unit comprising:

at least one marking element visible from outside the glazing unit, the at least one marking element including a string of characters which contain **one or more substrings of successive characters where at least one of the one or more substrings is encoded as a hexadecimal number with a base of 16,**

wherein the marking element can be visually identified by whomsoever and an identity of the at least one marking element can be communicated remotely to an identification

device, **the identification device incorporating, for a given marking element, characteristics unique to the glazing unit on which the marking element is visible**, the characteristics being configured to be at least partly accessible to the public in exchange for the identity of the at least one marking element.

Thus, at least one of the one or more substrings of the string of characters of the marking element is encoded as a hexadecimal number with a base of 16. Further, the identification device, for a given marking element, incorporates characteristics unique to the glazing unit on which the marking element is visible.

In contrast, as noted during the personal interview, Andersen and andersenwindows.com fail to disclose a string of characters which contain one or more substrings of successive characters where at least one of the one or more substrings is encoded as a hexadecimal number with a base of 16. In Andersen, the safety glazing identification code is limited to information required by the Federal Safety Glazing Codes, IGCC codes, and ANSI codes.¹ Safety glazing identification code information includes mostly letter abbreviations for the category of glass, a decimal number or a short-letter to word representation for a plant location, and letters and numbers respectively represent the month and year in which the glass is manufactured (e.g., C meaning 3rd quarter, and 73 meaning 1973).² These identification codes are not encoded hexadecimal numbers. Andersenwindows.com is also devoid of marking elements containing hexadecimal numbers.

Further, as discussed during the personal interview, none of the cited references discloses an identification device incorporating, for a given marking element, characteristics **unique** to the glazing unit on which the marking element is visible. Information, such as the information described by IGCC, generally relates to a plurality of window units and does not contain information unique to the glazing unit on which the marking element is visible.

¹ Andersen at page 7, for example.

² Andersen at pages 7-15, for example.

Accordingly, since Andersen and andersenwindows.com, taken alone or in combination with the other cited references, fail to disclose the above-noted features recited in Claim 28, no proper combination of the cited references sets forth each and every element of amended independent Claim 28. Therefore, it is respectfully submitted that Claim 28, and all claims depending therefrom, patentably distinguish over the cited references.

Regarding Claims 43 and 47, as proposed during the personal interview, these claims are amended to recite in part “one or more substrings being encoded as a hexadecimal number with a base of 16” and “information including characteristics unique to the glazing unit on which the marking element is visible.” As discussed above regarding Claim 28, no proper combination of the cited references sets forth these elements. Therefore, it is respectfully submitted that Claims 43 and 47, and any claims depending from Claims 43 and 47, patentably distinguish over the cited references.

It is respectfully requested that the rejection of Claims 28-32, 36, 38-41, 43-51, 53, and 55 under 35 U.S.C. § 103(a) be withdrawn.

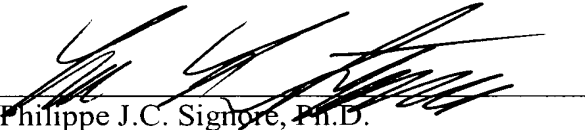
Regarding the remaining rejections under 35 U.S.C. § 103(a), Claims 34, 35, 37, 42, and 52 depend from allowable independent claims and are patentable for at least this reason. Thus, it is respectfully requested that the rejection of Claims 34, 35, 37, 42, and 52 under 35 U.S.C. § 103(a) be withdrawn.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Philippe J.C. Signore, Ph.D.
Attorney of Record
Registration No. 43,922

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

Lee L. Stepina
Registration No. 56,837